



Essex County Correctional Facility
&
Sheriff's Headquarters



FRANK G. COUSINS, JR.
SHERIFF

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January 14, 2003

Officer Julius Lupo
22 Worcester Road
Peabody, Massachusetts 01960

Hand delivered and certified mail - return receipt requested

Dear Officer Lupo:

On January 9, 2003, a hearing was held, pursuant to M.G.L. c35, §51 and Articles 19 and 20 of the applicable Collective Bargaining Agreement, regarding the discipline to be imposed on you. In a Hearing conducted by my designee, Supt. Michael J. Marks, Sr., along with Willie J. Smith, Director of Human Resources and M. Joseph Roche, Internal Affairs Investigator conducted an informal hearing with you present. Christopher Murphy, represented you and the IBCO, while Missey Donohoe served as Recorder during the proceedings. Based upon a review of the Internal Affairs Report and testimony by Willie Smith and you, I hereby find as follows:

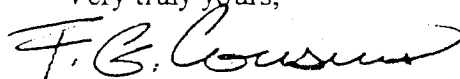
1. The Internal Affairs Investigators concluded that there was evidence, based on medical reports and statements by witnesses, to conclude that Officer Lupo did strike/assault an inmate. Your conduct was clearly unbecoming an officer in this Department. As a public servant and sworn officer of the Commonwealth, you are duty-bound to maintain the high standards of care and custody of the inmates under your control. Without restating details of the incident in question, I have concluded that your conduct was in violation of Department rules and regulations governing personal conduct in the workplace and while interacting with inmates under your supervision.
3. There is sufficient reason to believe that Officer Lupo was verbally abusive and uttered racial slurs when addressing an inmate. Officer Lupo's alleged actions are considered a serious dereliction of duty that brings into question his ability to function effectively as a senior officer and leader in this Department. It also sets a poor example for those under his supervision.
4. Thus, all things considered, you will be suspended for a period of five (5) days without pay, of which three(3) days will be served immediately and two(2) days be continued for a period of six (6) months from the date of this Hearing, and then dismissed at that time if there are no similar violations or misconduct. In the event of any further misconduct during this period, summary dismissal with prejudice from this Department will be given serious consideration. .

5. You will provide proof of the successful completion of the Anger Management Assessment and Counseling sessions provided by Employee Assistance Program (EAP) to Willie J. Smith, Director of HRD. It is important to note that the EAP component of this decision is not intended to be disciplinary, but rather to provide a determination as to your fitness to perform your duties as an Institutional Cook/C.O. with this Department.

Although the sanctions imposed in this decision do not rise to the levels of termination or a long-term suspension without pay, I consider this action reasonable and proper because it takes into account your unblemished service record and value to this Department.

Upon receipt of this letter, you must contact Asst. Supt. David McCoy to coordinate the specifics of the suspension and comply with all of the conditions imposed in this letter. Further, this decision regarding your conduct is not intended to create a departmental practice, and is made on a one-time-only, non-precedent setting basis.

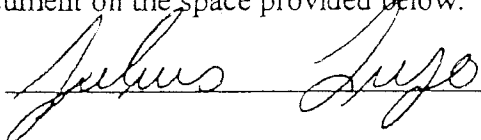
Very truly yours,



Frank G. Cousins, Jr.
Sheriff

I, Officer Julio Lupo, evidence my agreement to the terms and conditions specified herein by signing this document on the space provided below.

Signed



Date

1-17-03

NOTE: *Please return the signed original of this document to Human Resources.*

cc: Supt. Michael Marks

Asst. Supt. David McCoy

Richard K. Jeffery, Esq.

Michael Nessinger, President - IBCO, Local R1-27

Christopher Murphy - IBCO/NAGE